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DEPARTMENT OF NATURAL RESOURCES

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Division of Oil, Gas and Mining

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Division Director

March 12, 2015

Kirk Nicholes, Resident Agent
Alton Coal Development, LLC
463 North 100 West, Suite 1
Cedar City, Utah 84720

Subject: Initial Completeness Review Rejection NOV #16149 Abatement Response, Task ID #4811, Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005

Dear Mr. Nicholes:

The Division received the as-constructed Lower Robinson Creek engineering report as abatement to Notice of Violation #16149 on March 5, 2015. Pursuant to R645-303-221, the Division completed an Initial Completeness Review of the engineering report and finds that the as-constructed design does not meet the design requirements for an Intermittent Stream as outlined in R645-301-742.320 or the performance standards of R645-301-750 because:

- The reconstruction of Lower Robinson Creek is a permanent feature that must comply with the 100 yr/6 hour storm event, as required by R645-301-742.323, not a 10 yr/ 6 hr event.
- Appendix 5-3 of the approved MRP establishes the 100-year, 6-hour design storm flow of 347 cubic feet per second (cfs). Therefore, Lower Robinson Creek reconstruction must be designed to safely pass 347 cfs.

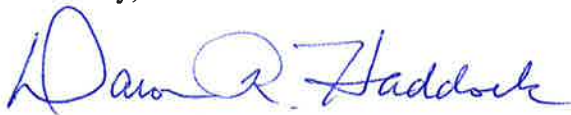
In accordance with R645-400-324, the Permittee may request additional time to abate the Notice of Violation. The abatement requirement for the citation reads as follows:

“ACD must either implement the approved plan or have a professional engineer evaluate the channel as currently constructed to provide certified, design drawings of the new configuration, including interim sediment control requirements within the channel and at the permit boundary, and to amend Appendix 5-3 supporting documentation for the design. A qualified registered professional engineer [P.E.] must certify that the new design meets the requirements of R645-301-742-320 et seq and the performance standards of R645-301-750...”

With rejection of the P.E. evaluation of the as-constructed channel for the above mentioned reasons, the abatement may now be achieved only by reconstructing the drainage of Lower Robinson Creek to the approved design shown on Drawings 5-20A and 5-21A on or before April 11, 2015; or, by providing a new certified design and constructing the channel to that design by April 11, 2015. If you choose the latter option, please contact Keenan Storrar at (801) 538-5345 and Cheryl Parker (801) 538-5286 for their input as to the required contents of the engineering design.

If you have any questions, please call Priscilla Burton at 435-613-3733 or Keenan Storrar for further details.

Sincerely,



Daron R. Haddock
Coal Program Manager